IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22253 of 2004

Between:

Nagelli Swamy S/o Devaiah
R/o Kuchirajpalli Mandal: Manthani, District Karimnagar

..... PETITIONER

AND

1 The Station House Officer, P.S. Manthani, District: Karimnagar
2 The Sub Division Police Officer, Manthani, Karimnagar District
3 The Superintendent of Police, Karimnagar

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus duly declaring the inaction on the part of the Respondents herein to investigate the Crime registered in FIR No. 108/2003 of P.S. Manthani as highly arbitrary, illegal unilateral and contrary to the code of Cr.P.C. and its provisions and consequently direct the Respondents, to investigate the said Crime and to file Charge Sheet.

Counsel for the Petitioner:MR.VINOD KUMAR DESHPANDE

Counsel for the Respondents 1 to 3: GP FOR HOME

The Court at the stage of admission made the following ORDER:

This writ petition is filed alleging inaction on the part of the respondents in taking further steps in Crime No.108 of 2003 of Manthani Police Station.

The petitioner alleges that when he and some others went to a field to work, on 21.08.2003, a person, viz. Kamojjula Rajanna scolded them in the name of their caste. He states that though the crime was registered way back on 21.08.2003, under section 3(1)(x) of SCs. & STs. (Prevention of Attrocities) Act, 1989, no action has been taken thereon.

When the writ petition came up for admission on 03.12.2004, learned Government Pleader for Home took time to obtain instructions.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The learned Government Pleader for Home has placed before this Court the

entire case diary in Crime No.108 of 2003. A perusal of the same discloses that the Sub-Divisional Police Officer, the second respondent, has undertaken extensive investigation into the subject matter of F.I.R. and ultimately submitted a final report before the Court stating that the offence alleged against the accused is not made out and sought for permission to refer the case as “false”. In that view of the matter, it cannot be said that there was inaction on the part of the respondents. If the petitioner feels aggrieved by such report, it shall be open to him to take necessary steps in accordance with the provisions of the Code of Criminal Procedure.

Hence, the writ petition is dismissed, leaving it open to the petitioner to work out his remedies. No order as to costs.

08.12.2004

ksld

To

1 The Station House Officer, P.S. Manthani, District: Karimnagar
2 The Sub Division Police Officer, Manthani, Karimnagar District
3 The Superintendent of Police, Karimnagar

4 Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad

(OUT).

5 Two CD copies.